

MINUTES

GARDEN GROVE CITY COUNCIL

A Regular Meeting of the City Council of the City of Garden Grove was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, December 8, 2009, at 6:48 p.m.

ROLL CALL: PRESENT: (5) MAYOR DALTON, COUNCIL MEMBERS
BROADWATER, DO, JONES, NGUYEN

ABSENT: (0) NONE

INVOCATION AND PLEDGE

The Invocation was given by Keith Jones, Public Works Director. Council Member Nguyen led the Pledge of Allegiance to the Flag of the United States of America.

COMMUNITY SPOTLIGHT - RECOGNITION OF CITY EMPLOYEES WITH 25, 30, AND 35 YEARS OF SERVICE (F: 52.3)

Mayor Dalton called forward Tom Freeman, Randy Garcia, Rory Janocha, Larry Jones, Scott Lowe, Navin Maru, Allison Mills, Richard Rounds, Edward Zaragoza, Rick Bermudez, Patricia Hayes, Steve Sanders, and Marty Donahue City employees with 25, 30, and 35 years of service and presented each of them with mementos in recognition of and appreciation for their extraordinary years of service to the City of Garden Grove. (F: 52.3)

RECESS

At 7:03 p.m., the Mayor declared a recess.

RECONVENE

At 7:10 p.m., Mayor Dalton reconvened the City Council meeting with all Council Members present.

WRITTEN COMMUNICATIONS - REQUEST FROM THE GARDEN GROVE
COMMUNITY FOUNDATION (GGCF) FOR THE USE OF THE WILLOWICK GOLF
COURSE FOR THE ANNUAL GGCF/CHAMBER GOLF CLASSIC TOURNAMENT
(F: 130.15)

Correspondence dated December 8, 2009, from the Garden Grove Community Foundation was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the request from the Garden Grove Community Foundation and the Garden Grove Chamber of Commerce for use of the Willowick Golf Course for their annual golf classic on May 12, 2010, be and hereby is approved.

ORAL COMMUNICATIONS - PUBLIC

Myke Cossota thanked staff for inviting him to a solar energy project meeting. He suggested the City consider a power purchase agreement for future solar projects.

Peggy Bergin requested the City Council consider subsidizing activities provided by the Garden Grove Unified School District, such as yoga, in order to keep them affordable.

Rod Powell commented he would like to see the fireworks issue placed on an upcoming ballot.

Peter Katz spoke in favor of bringing a Vietnam War Museum to the city.

REORGANIZATION OF THE CITY COUNCIL (F: 46.1)

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that Mayor Pro Tem Jones be and hereby is reselected as Mayor Pro Tem.

RECESS

At 7:31 p.m., the Mayor declared a recess.

RECONVENE

At 8:18 p.m., Mayor Dalton reconvened the City Council meeting with all Council Members present.

AGREEMENT WITH THE ILLUMINATION FOUNDATION TO PROVIDE SERVICES TO HOMELESS FAMILIES (F: 55) (XR: 87.1)

Staff report dated December 8, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and Illumination Foundation for the continued operation of the Homeless Program at the Magnolia Park Family Resource Center, from January 1, 2010, through June 30, 2010, be and hereby is approved; and the City Manager is authorized to execute the Agreement, including making any modifications during the Agreement period for the operation and implementation of the services.

ANNUAL DEVELOPMENT IMPACT FEE REPORT PER GOVERNMENT CODE SECTION 66006(B) (F: 60.2D) (XR: 60.2) (XR: 24.11)

Staff report dated December 8, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that the Annual Report on Development Impact Fee activity as required by Government Code Section 66006(b), be and hereby is received and filed.

2008-09 ANNUAL REPORT FOR THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT, WITH TRANSMITTAL TO THE STATE OF CALIFORNIA CONTROLLER (F: A-128.3)

Staff report dated December 8, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that the FY 2008-2009 Annual Report be and hereby is approved; and staff is authorized to forward the report to the State Controller.

AGREEMENT WITH HOGLE-IRELAND, INC., TO ASSIST WITH THE PREPARATION OF THE CITY'S FIVE-YEAR CONSOLIDATED PLAN FOR HUD (F: 55) (XR: 57.1)

Staff report dated December 8, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and Hogle-Ireland, Inc., to

prepare a Five-Year Consolidated Plan and Annual Action Plan, in the amount of \$33,935, be and hereby is approved; and the City Manager is authorized to execute all related documents.

AMENDMENT TO THE CONSTRUCTION AND MAINTENANCE AGREEMENT WITH THE MIDWAY CITY SANITARY DISTRICT FOR THE RECONSTRUCTION OF THE NEWLAND/YOCKEY STORM DRAIN (F: 89.5) (XR: 92.1)

Staff report dated December 8, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that Amendment No. 1 to the Construction and Maintenance Agreement by and between the City of Garden Grove and Midway City Sanitary District to modify and maintain Midway City Sanitary District sewer facilities affected by the construction of the Newland/Yockey Storm Drain, be and hereby is approved; and the Mayor is authorized to execute the Agreement.

PURCHASE ORDER TO NICHOLAS CHEVROLET FOR ONE PUBLIC WORKS STAFF VEHICLE (F: 60.4)

Staff report dated December 8, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that the purchase of one (1) new Chevrolet staff vehicle, be and hereby is approved; and the Finance Director is authorized to issue a purchase order in the amount of \$21,742.44 to Nicholas Chevrolet for said purchase.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that Regular Warrants 456202 through 457457, and Direct Deposits W456408 through W457454; and Payroll Warrants 164119 through 164221, and 146116 through 164118, and 164222 through 164360, Direct Deposits D179953 through D180620, and Wires W1502 through W1508, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

WAIVER OF FULL READING OF ORDINANCES LISTED

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

PUBLIC HEARING - AMENDMENT TO THE CITIZEN PARTICIPATION PLAN AND THE RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN FOR CONTINUED CDBG AND HOME FUNDING (F: 117.10D)

Staff report dated December 8, 2009, was introduced and reviewed by staff.

The proposed amendment to the Citizen Participation Plan (CPP) incorporates two minor alterations. The CPP adds language to stipulate a minimum 15-day public comment period is required whenever the CPP is amended. Second, the proposed amendment to the CPP eliminates the necessity for a public hearing when a substantial amendment to the Consolidated Plan or Annual Action Plan is considered. The City will continue holding public hearings before the Neighborhood Improvement and Conservation Commission (NICC) and City Council when approving the Consolidated Plan and Annual Action Plan.

The amended Residential Antidisplacement and Relocation Assistance Plan (RARAP) complies with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and ensures the City is following RARAP required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Mayor Dalton declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

There being no response from the audience, the Public Hearing was declared closed.

It was moved by Council Member Do, seconded by Council Member Broadwater, and carried by unanimous vote that the amended Citizen Participation Plan and Residential Antidisplacement and Relocation Assistance Plan be and hereby are approved.

ISSUANCE OF CERTIFICATES OF PARTICIPATION (WATER REVENUE BONDS), SERIES 2010 (F: 60.1)

Staff report dated December 8, 2009, was introduced and reviewed by staff.

In July 2007, the City Council adopted a Ten-Year Water Financial Plan (Plan) prepared by Black & Veatch to maintain the financial stability of the Water Enterprise Fund. The Plan identified the overall revenue needs for financing the operations and maintenance expenses, debt obligations, capital improvement requirements, and cost increases for imported water. To meet these essential financial needs, the first five years of the Plan included incremental annual rate adjustments to be applied to the service charge and commodity adjustment charges. The issuance of \$32 million debt obligation used to fund the capital program was incorporated as part of the Plan.

A Water Master Plan was completed in September 2008, and includes a detailed list of capital projects. These projects will be executed over the next ten years with the 2010 COP debt proceeds, augmented with revenues. The Plan identifies critical capital needs necessary to promote the water system's continuous improvement, provide fire flow capability, ensure consistent compliance with drinking water standards, and mitigate cash flow constraints.

The water revenue obligations will be issued through the City's Public Financing Authority in an amount not to exceed \$32 million and will be issued in two installments, providing approximately \$16.5 million of project funds in FY 2009-10, and \$15.5 million of project funds in later years as determined necessary.

RESOLUTION NO. 8936-09

Council Member Do moved, seconded by Council Member Jones that full reading of Resolution No. 8936-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE REGARDING ITS INTENTION TO ISSUE TAX EXEMPT OBLIGATIONS AND AUTHORIZING STAFF TO TAKE CERTAIN ACTIONS RELATING TO PROPOSED REVENUE CERTIFICATES OF PARTICIPATION (WATER SERVICES CAPITAL IMPROVEMENT PROGRAM), SERIES 2010, AND DIRECTING CERTAIN ACTIONS IN CONNECTION THEREWITH, be adopted; and

that the City Manager be directed to: 1) Execute a three-year contract with Sequoia Financial Group LLC and appoint Sequoia Financial Group LLC as the Financial Advisor for this assignment, as described herein; 2) Appoint Stradling, Yocca, Carlson & Rauth as the Bond Counsel for this assignment, as described herein; and 3) Appoint Jones Hall Law Firm as the Disclosure Bond Counsel for this assignment, as described herein; and that the City Manager or his designee is authorized to enter into all other necessary agreements to assemble the financing

team including Underwriter, Trustee, Fiscal Agent, etc., to effectively ready the issuance of the 2010 water revenue obligation debt.

Said motion carried by the following vote:

AYES:	COUNCIL MEMBERS: (4)	BROADWATER, DO, JONES, DALTON
NOES:	COUNCIL MEMBERS: (1)	NGUYEN
ABSTAIN:	COUNCIL MEMBERS: (0)	NONE
ABSENT:	COUNCIL MEMBERS: (0)	NONE

AWARD OF CONTRACT TO GRIFFIN STRUCTURES, INC., FOR THE DEVELOPMENT OF A PUBLIC SAFETY FACILITIES MASTER PLAN (F: 55) (XR: 24.1)

Staff report dated December 8, 2009, was introduced and reviewed by staff.

In September 2008, the City entered into an agreement with Griffin Structures, Inc., to conduct a needs assessment for the Garden Grove Police Department. The assessment concluded the current Garden Grove Police Station does not have the adequate space to meet all the space requirements identified in the needs assessment, a new Police Department facility is needed. The cost to construct a new Police facility is estimated at \$100 million.

An alternative strategy to accommodate current and projected space requirements for the next 15 years would be to relocate the Fire Headquarters and Station 1 into a new building at the City-owned site adjacent to City Hall, previously occupied by the Black Angus Restaurant. This would allow the Police Department to expand into the current Fire Department building, and would provide needed improvements to the Fire Station and enhance fire response capabilities to the area.

The project will be divided into three phases. The first phase will provide conceptual design services for the construction of a new Fire Headquarters and Station at the City-owned site previously used by the Black Angus Restaurant, and the expansion of the Police Department into areas vacated by the Fire Department. The second phase will include schematic design services for a four-bay fire station and administration offices, as well as to establish a cost estimate of construction. The third phase includes schematic design services and cost estimates for the renovation, reconfiguration, and expansion of the Police Department.

It was moved by Council Member Do, seconded by Council Member Broadwater, and carried by unanimous vote that the contract to develop a Public Safety Facilities Master Plan, in the amount of \$263,250, be and hereby is awarded to Griffin Structures, Inc., and the City Manager is authorized to execute the agreement.

AWARD OF CONTRACT TO ALL AMERICAN ASPHALT FOR THE REHABILITATION OF HARBOR BOULEVARD FROM GARDEN GROVE BOULEVARD TO CHAPMAN AVENUE, PROJECT NO. 7249 (F: 96.proj.7249) (XR: 24.1)

Staff report dated December 8, 2009, was introduced and reviewed by staff.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that the contract for the rehabilitation of Harbor Boulevard from Garden Grove Boulevard to Chapman Avenue Project No. 7249, in the amount of \$919,000, be and hereby is awarded to All American Asphalt, and the City Manager is authorized to execute the agreement.

SECOND READING OF ORDINANCE NO. 2761 (F: 115.A-149-09) (XR: 50.3) (XR: 87.1)

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

Due to a potential conflict of interest, Council Member Broadwater recused himself from this matter.

COUNCIL MEMBER BROADWATER LEFT THE MEETING AT 8:42 P.M.

ORDINANCE NO. 2761 was presented for second reading and adoption and the title read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-149-09, AN AMENDMENT TO THE BROOKHURST CHAPMAN SPECIFIC PLAN – BROOKHURST CHAPMAN COMMERCIAL (BCSP-BCC) ZONE, TO ALLOW A CHILDREN’S LEARNING CENTER AS A NEW USE

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote of those present that Ordinance No. 2761, be and hereby is declared adopted.

COUNCIL MEMBER BROADWATER RETURNED TO THE MEETING AT 8:44 P.M.

CONSIDER FORMATION OF AN EXPLORATORY COMMITTEE AND FUNDING FOR A FEASIBILITY STUDY FOR A VIETNAM WAR MUSEUM AS REQUESTED BY COUNCIL MEMBER BROADWATER (F: 68.4)

After City Council discussion, it was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that Council Member Broadwater and Council Member Nguyen be and hereby are appointed to an exploratory committee to work with staff, at no cost and minimal staff time, to look into the costs and parameters of a feasibility study to bring a Vietnam War Museum to Garden Grove, and return to the City Council with a recommendation.

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER

Council Member Nguyen encouraged residents to continue to shop in Garden Grove.

Council Member Do commented he does not feel he has been treated fairly when he makes requests of staff. He offered his condolences to the Aragon family. Officer Kenneth Aragon was a Garden Grove resident and a LAPD Officer who recently passed away.

Mayor Dalton commented on the third annual Tree Lighting ceremony, as well as the Winterfest held at Atlantis Play Center. He recognized Coach Joe Hay, Garden Grove High School's Football Coach, for being named ABC 7 NFL High School Coach of the Year. He announced that members of the 176th Medical Group HHD are returning home to Garden Grove from their tour of duty in Kosovo. In regards to the Vietnam War Museum, he indicated he would consider the whole City Council becoming involved in the museum project and holding open meetings.

ADJOURNMENT

At 9:25 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR
CITY CLERK